

House Bill 684

By: Representatives Hatfield of the 177<sup>th</sup>, Fleming of the 117<sup>th</sup>, Burmeister of the 119<sup>th</sup>,  
Channell of the 116<sup>th</sup>, Black of the 174<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open and public meetings, so as to clarify that employment interviews may be excluded from the requirements of the chapter; to exclude mediation and arbitration conducted by neutral third parties on behalf of an agency from the requirements of the chapter; to amend Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to inspection of public records, so as to provide that certain requests may be required to be in writing; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open and public meetings, is amended by striking paragraph (6) of Code Section 50-14-3, relating to excluded proceedings, and inserting in its place the following:

"(6) Meetings when conducting employment interviews or when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee but not when receiving evidence or hearing argument on charges filed to determine disciplinary action or dismissal of a public officer or employee. The vote on any matter covered by this paragraph shall be taken in public and minutes of the meeting as provided in this chapter shall be made available. Meetings by an agency to discuss or take action on the filling of a vacancy in the membership of the agency itself shall at all times be open to the public as provided in this chapter;"

**SECTION 2.**

Said chapter is further amended by inserting a new Code Section 50-14-3.1 immediately following Code Section 50-14-3, relating to excluded proceedings, to read as follows:

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1 "50-14-3.1.

2 In the event that an agency engages one or more neutral third parties in mediating or  
3 arbitrating a dispute between the agency and any other party, the neutral party or parties  
4 may caucus jointly or independently with the parties to the mediation or arbitration to  
5 facilitate a resolution to the conflict, and any such caucus shall not be subject to the  
6 requirements of this chapter. Any decision or resolution agreed to by an agency at any  
7 such caucus shall not become effective until ratified in a public meeting."

### 8 SECTION 3.

9 Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to  
10 inspection of public records, is amended by striking subsection (f) of Code Section 50-18-70,  
11 relating to inspection of public records, and inserting in its place the following:

12 "(f)(1) The individual in control of such public record or records shall have a reasonable  
13 amount of time to determine whether or not the record or records requested are subject  
14 to access under this article and to permit inspection and copying. In no event shall this  
15 time exceed three business days. Where responsive records exist but are not available  
16 within three business days of the request, a written description of such records, together  
17 with a timetable for their inspection and copying, shall be provided within that period;  
18 provided, however, that records not subject to inspection under this article need not be  
19 made available for inspection and copying or described other than as required by  
20 subsection (h) of Code Section 50-18-72, and no records need be made available for  
21 inspection or copying if the public officer or agency in control of such records shall have  
22 obtained, within that period of three business days, an order based on an exception in this  
23 article of a superior court of this state staying or refusing the requested access to such  
24 records.

25 (2) An agency or public officer may require that requests for records made pursuant to  
26 this article be submitted in writing, except that written requests shall not be required when  
27 a requesting party requests:

28 (A) An agenda, summary of matters acted upon, or minutes of an agency's or public  
29 officer's most recent meeting; or

30 (B) Any other records an agency or public officer determines, by ordinance, resolution,  
31 or other official act of the agency, to be available without a written request.

32 Where requests are required to be in writing, the party requesting the records shall be  
33 informed that the request must be made in writing. The written request may be delivered  
34 to an agency by mail, facsimile, courier, e-mail, or other delivery in person. The agency  
35 or public officer shall prepare, and make available to persons requesting records, forms  
36 upon which a person may make his or her written request, but the person shall not be

1 required to use an agency's or public officer's form. The agency or public officer shall  
2 make a reasonable effort to assist a person making a request for records, as needed."

3 **SECTION 4.**

4 This Act shall become effective upon its approval by the Governor or upon its becoming law  
5 without such approval.

6 **SECTION 5.**

7 All laws and parts of laws in conflict with this Act are repealed.